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**MAILED**  
**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Buechler	:	
Application No. 10/697,351	:	ON APPLICATION FOR
Filed: October 29, 2003	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 36671-	:	
716.302	:	
Title: DIAGNOSTIC DEVICES AND	:	
APPARATUS FOR THE CONTROLLED	:	
MOVEMENT OF REAGENTS WITHOUT	:	
MEMBRANES	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705," filed February 5, 2010. This request is properly treated under 37 CFR 1.705(b). Applicant submits dispute the 316 day reduction.

The application for patent term adjustment is **GRANTED**.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 23-2415. No additional fees are required.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred ninety-two (192) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicant disputes the 316 day reduction. Applicant contends that the reduction based upon the submission of the Request for Continued Examination (RCE) and the information Disclosure Statement filed on August 5, 2008. Applicant submits no reduction is warranted.

The application history has been reviewed and it has been determined that reduction of 316 days will be removed.

Applicant's delay prior to the mailing of the Notice of Allowance is 115 (31 + 84) days. Office delay prior to the mailing of the Notice of Allowance is 307 days.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is one hundred ninety-two (192) days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant, at (571) 272-3215.



Anthony Knight  
Director  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



30	01/25/2007		AP/A	Amendment/Argument after Notice of Appeal		0
29	01/25/2007		N/AP	Notice of Appeal Filed		0
28	10/25/2006		MCTFR	Mail Final Rejection (PTOL - 326)		0
27	10/24/2006		CTFR	Final Rejection		0
26	08/15/2006		FWDX	Date Forwarded to Examiner		0
25	08/07/2006	07/07/2006	A	Response after Non-Final Action	21	23
24	08/07/2006		XT/G	Request for Extension of Time - Granted		0
23	04/07/2006		MCTNF	Mail Non-Final Rejection		0
22	04/05/2006		CTNF	Non-Final Rejection		0
21	02/27/2006		AP/A	Amendment/Argument after Notice of Appeal		0
20	02/02/2006		FWDX	Date Forwarded to Examiner		0
18	02/02/2006		FWDX	Date Forwarded to Examiner		0
16	02/02/2006		ABNS	Disposal for a RCE / CPA / R129		0
19	01/27/2006		ANSB	Amendment Submitted/Entered with Filing of CPA/RCE		0
17	01/27/2006		RCEK	Request for Continued Examination (RCE)		0
15	01/27/2006		BRCE	Workflow Request for RCE Begin		0
14	11/01/2005	12/29/2004	MCTFR	Mail Final Rejection (PTOL - 326)	302	-1
13	10/28/2005		CTFR	Final Rejection		0
12	10/13/2005		DOCK	Case Docketed to Examiner in GAU		0
11	02/25/2004		TSSCOHP	IFW/TSS Processing by Tech Center Complete		0
5	01/16/2004		COHP	Application Is Now Complete		0
8	01/15/2004		WRDIPE	Application Return from OIPE		0
7	01/15/2004		ROIPE	Application Return TO OIPE		0
6	01/15/2004		OIPE	Application Dispatched from OIPE		0
21	01/12/2004		IDSC	Information Disclosure Statement considered		0
10	01/12/2004		RCAP	Reference capture on IDS		0
9.7	01/12/2004		MB44	Information Disclosure Statement (IDS) Filed		0
9	01/12/2004		WIDS	Information Disclosure Statement (IDS) Filed		0
4	12/23/2003		L194	Cleared by OIPE CSR		0
3	12/23/2003		CLSS	CASE CLASSIFIED BY OIPE		0
2	12/18/2003		SCAN	IFW Scan & PACR Auto Security Review		0
1	10/29/2003		TEXX	Initial Exam Team nn		0

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